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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN JOSE DIVISION**  
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12 THE OTTER PROJECT and  
13 ENVIRONMENTAL DEFENSE CENTER,

14 Plaintiffs,

15 v.

16 KEN SALAZAR, ROWAN GOULD,  
17 UNITED STATES DEPARTMENT OF  
18 THE INTERIOR, UNITED STATES FISH  
& WILDLIFE SERVICE,

19 Defendants,

20 CALIFORNIA SEA URCHIN  
21 COMMISSION, PETER HALMAY,  
22 HARRY LIQUORNIK, CALIFORNIA  
23 ABALONE ASSOCIATION, SONOMA  
COUNTY ABALONE NETWORK,

24 Intervenor-Defendants.  
25

No. C 09-4610 JW

26  
27 **STIPULATION AND [PROPOSED]**  
28 **ORDER STAYING PROCEEDINGS**  
**FOR TEN DAYS**

29 Pursuant to Civil L.R. 7-12 this Stipulation is entered into by and between Plaintiffs, The  
30 Otter Project and Environmental Defense Center, Federal Defendants, Ken Salazar, Secretary of

1 the United States Department of the Interior, Rowan Gould, Acting Director of the U.S. Fish &  
2 Wildlife Service, the United States Department of the Interior, and the United States Fish &  
3 Wildlife Service, and Intervenor-Defendants, California Sea Urchin Commission, Peter Halmay,  
4 Harry Liquornik, California Abalone Association, and Sonoma County Abalone Network.

5 WHEREAS, on August 17, 2010, the Court approved the parties' stipulation (Doc. No.  
6 49), setting the parties' cross-motions for summary judgment for hearing on January 24, 2011,  
7 establishing December 20, 2010, as the date for completion of summary judgment briefing, and  
8 establishing October 18, 2010 as the date for production of the Administrative Record.

9 WHEREAS, the parties have engaged in settlement discussions that have proven  
10 productive, and have reached tentative agreement at the staff level on a written agreement to  
11 settle the merits this litigation;

12 WHEREAS, the parties need additional time to discuss provisions relating to attorneys'  
13 fees, and Federal Defendants would need additional time to gain approval from supervisory  
14 officials at the Departments of Justice and the Interior;

15 WHEREAS, the parties wish to continue the settlement discussions and to concentrate  
16 their resources on settling, rather than litigating, this matter;

17 WHEREAS, the parties believe that the briefing schedule should be extended so as not  
18 needlessly to divert all parties' resources into litigation rather than settlement activities;

19 WHEREAS, the parties agree that a 10-day stay of this case is appropriate;

20 NOW, THEREFORE, the parties stipulate as follows:

- 21 1. All proceedings in this case are stayed for 10 days.  
22 2. The parties shall file a proposal for further proceedings, if any, on October 25, 2010.  
23 3. The present summary-judgment briefing and hearing schedule shall remain in effect.

24  
25 October 15, 2010

Respectfully Submitted,

26 /s/ Brian Segee (by LEF, as authorized 10/15/10)  
27 Linda J. Krop (Cal. Bar. No. 118773)  
28 Brian Segee (Cal. Bar No. 200795)

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9 SETH M. BARSKY, Acting Section Chief

10 /s/ Lawson E. Fite  
11 LAWSON E. FITE, Trial Attorney  
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15 Wildlife & Marine Resources Section  
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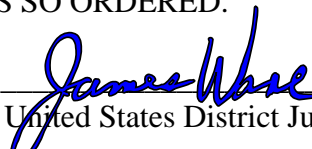
22 Attorneys for Federal Defendants

23 /s/ George J. Mannina, Jr. (by LEF, as authorized  
24 10/15/10)  
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Attorneys for Intervenor-Defendants

PURSUANT TO THE STIPUATION, IT IS SO ORDERED.

Dated: October 20, 2010

  
United States District Judge